

d) REMARKS

The pending claims are 1, 2, 5-9 and 12-14 with claim 1 the sole independent claim. Former claims 3, 4, 10 and 11 have been cancelled. The claims have been amended to better define the intended invention and reconsideration thereof is expressly requested.

In response to the outstanding election of species requirement Applicants affirm the provisional election with traverse of the species in which M is Ir, m is 3, n is 0, CyN1 is Pr and CyC1 is Np2. It was stated that claims 1, 4, 5, 8 and 11-14 read on the elected species and the Examiner has withdrawn claims 2, 3, 6, 7, 9 and 10 as non-elected. Claims 1, 8 and 12-14 were deemed generic. Applicants have amended claim 1 to delete the embodiment wherein n=0 in order to provide that different bidentate ligands are present where formulas (2) and (3) are different. Claims 1, 5, 8 and 12-14 continue to read on the species where M is Ir, CyN1 is Pr and CyC1 is Np2. Under M.P.E.P. §819.01 Applicants request that they be permitted to shift to the species, where m is 1 or 2 and n is 1 or 2. The same search classes and subclasses are involved, the issues are reduced, and no added expense or work is engendered. Further, under M.P.E.P. §820 where a genus is allowed, a reasonable number of additional species may be prosecuted.

Upon allowance of a generic claim Applicants request rejoinder of claims to the other species, including pending claims 2, 6, 7 and 9. Applicants have corrected the specification on page 17 to change "fine" to read --five--.

In response to the Examiner's query, the paragraph at page 15, lines 20-25, which refers to the compounds of formula (1) as providing higher phosphorescence yield

and shorter phosphorescence life, refers to comparisons with prior art metal coordination compounds, in general.

The Examiner objected to claims 1, 4, 5, 8 and 11-14 under Rule 112, second paragraph, as being allegedly indefinite in that the phrase "a halogen atom a fluorine atom" set forth on page 58, lines 18-25 and page 59, beginning in line 25, is uncertain as to antecedent basis. The phrases refer to possible substituents for the aromatic group. Any redundant language has now been cancelled.

The objection to claim 1 and claims 9-11 in paragraph 15 of the Official Action has been resolved by cancellation of certain subject matter and by amendment of the preamble of claims 9 and 11. The subject matter of formula (4), as set forth in claims 3 and 10, has been deleted from the present claimed invention.

The invention of claim 1 and the claims dependent on it have been rejected as either anticipated or as obvious over Maestri et al., Igarashi et al. or Thompson et al. as set forth in paragraph Nos. 7-12 of the outstanding Office Action. The grounds of rejection are respectfully traversed.

In the present claimed invention a metal coordination compound of formula (1) is characterized, in part, by containing a combination of partial structures of formulas (2) and (3), which are different from each other. In addition, the cyclic groups have at least one aromatic substituent. As noted on page 16, line 15 to page 17, line 6, the presence of the aromatic substituent unexpectedly enhances luminescent performance owing to the presence of a Pi electron system, which facilitates energy transfer within the molecule.

Examples of the compounds of formula (1) in which partial structures of formulas 2 and 3 are present and which are different from each other are found on specification page 32 in Table 11.

Maestri in formula (6) on page 9 shows compounds having the same bidentate ligands. Igarashi fails to teach a metal coordination compound having different bidentate ligands and, additionally, an aromatic substituent attached to one ligand to enhance performance. Igarashi's compounds of formulas (1-45) and (2-6) have structures corresponding to formula 4 which has been excluded. In the Igarashi compounds (1-12), (1-19) and (1-42), n is 0 and, accordingly, different bidentate ligands are not present.

In Compound (1-59) of Igarashi, no aromatic substituent is present (see also Compound (1-56), and the like).

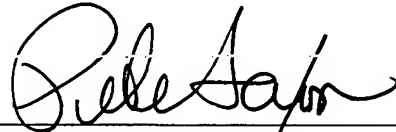
In Thompson, there is no disclosure of the presence of an aromatic substituents on the ligands to enhance luminescence performance. In paragraph [0171] of Thompson, the ligands disclosed are identical. Accordingly, the disclosure that the "R" group can be "alkyl or aryl" fails to suggest the present claimed invention in which different bidentate ligands are present and an aromatic substituent is disclosed to enhance luminescent performance.

Applicants note that there is a provisional obviousness-type double patenting rejection over Application No. 10/090,836. If the remaining objection is provisional, then the Office has suggested that this provisional objection be withdrawn to allow the application to issue so that an actual double patenting rejection can be advanced at a later time, if appropriate.

It is respectfully requested that the claims be allowed and that the case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cella Harper", written over a horizontal line.

Attorney for Applicants

Registration No.

A handwritten number "24947" written in cursive script, positioned to the right of the "Registration No." label.

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